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09/975,516	10/10/2001	Markku Lahteenmaki	460-010615-US(PAR)	9768
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PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			BHATTACHARYA, SAM	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/975,516

Applicant(s)

LAHTENMAKI ET AL.

Examiner

Sam Bhattacharya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/24/07 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1, 5-9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green (WO 98/10571) in view of Weadon et al. (US 6,226,501) and Petrella et al. (US 5,745,566).

As to claims 1 and 13, Figure 1 in Green shows a communication device (2) including at least a housing (2) having at least a first part (5) and a second part (3), and means for providing user interface functions (UI1), including at least a first keypad (3) and a display (5), wherein the user interface (UI1) is arranged to be replaceable by placing a replacement cover (1) in a detachable manner in connection with the housing (2), substantially parallel to the second part (3), onto or in place of the second part (3), and that said replacement cover (1) includes at least means (6, 8) for providing key functions ("referring to both figures, a keypad adaptor 1 is mounted on a mobile telephone 2. The mobile telephone 2 has a keypad 3 including keys 4, and a

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display screen 5. Adaptor 1 has a keypad plate 6 which is mounted on the telephone 2 by a U-shaped mounting bracket 7 shown by dashed lines in Fig. 2 in order that the other features of the adaptor 1 may be clearly seen. Adaptor 1 includes six buttons 8 mounted on plate 6 above selected ones of the keys 4 of the telephone 2, the keys 4 being chosen so as to allow a user to call telephone numbers stored in a memory of the telephone 2” (page 7, lines 16-28)).

Green fails to disclose a cover that includes keys for applications and changing the functionality of a keypad of a communication device.

However, in an analogous art, Weadon discloses a radiotelephone that includes a cover 40 that includes keys 42 for applications and changing the functionality of a keypad 22 of a communication device. See FIG. 4B and col. 1, line 58 – col. 2, line 5. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the communication device of Green by incorporating the features taught by Weadon et al. for the purpose of allowing a user to perform alternate functions, such as increasing and decreasing the speaker volume of the communication device.

The combination of Green and Weadon et al. fails to disclose that the second part is removed before inserting the replacement cover.

However, in an analogous art, Petrella et al. discloses a communication device on which an escutcheon, corresponding to the second part, is removed before inserting a substitute escutcheon, corresponding to the replacement cover. See col. 2, lines 7-17. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the communication device of Green and Weadon et al. by incorporating these features

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taught in Petrella et al. for the purpose of adapting the external appearance of the communication device in accordance with the preferences of the user.

As to claim 5, Figures 1 and 2 in Green show the communication device (2) according to claim 1, wherein the second part (3) includes a first keypad (3), that the means (6) of the replacement cover (1) for providing keys for playing games includes a second keypad (6), that the replacement cover (1) is arranged to be fixed onto the second part (3), and that the keys (8) of said second keypad (6) are placed in such a way that when the replacement cover (1) is fixed onto the second part (3), at least some of the keys (8) of the second keypad (6) are at the location of at least one key (4) of the first keypad (3), wherein the user interface (UI1) includes the display (5) and the second keypad (6) (see page 7, lines 16-28).

As to claim 6, the Green reference discloses the communication device (2) according to claim 1, wherein the communication device (2) includes means (9, 10) for activating the keys (8) of the second keypad (6) to function non-simultaneously with the keys (4) of the first keypad (3) (see page 7, line 29 to page 8, line 7).

As to claim 7, the Green reference discloses the communication device according to claim 1, wherein it is a wireless communication device ("the present invention relates to a telephone accessory and equipment, and in particular to a telephone accessory and equipment for assisting physically impaired persons to use conventional and/or mobile telephones" (page 1, lines 3-7)).

As to claim 8, the Green reference discloses the communication device (2) according to claim 1, wherein the means (9, 10) for providing keys for playing games of the replacement cover (1) include a one touchable area (12) for a key function which touchable area is larger than

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the touchable area of the keys of the keypad (3) onto which the replacement cover (1) is placed (“the contact surfaces 12 of each button are larger and their centers more spaced apart than those of the keys 4 of the telephone, and thus enable a user to more easily make a telephone call without for example pressing a wrong key or two keys together” (page 8, lines 17-21)).

As to claim 9, the Green reference discloses a method for changing the user interface (UI1) in a communication device (2) including at least a housing (2) which includes at least a first part (5) and a second part (3), and means for providing user interface functions (UI1), including at least a first keypad (3) and a display (5), wherein in the method, the user interface (UI1) is changed by placing a replacement cover (1) in a detachable manner in connection with the housing (2), substantially parallel to the second part (3), onto or in place of the second part (3), and that said replacement cover (1) is equipped with at least means (6, 8) for providing key functions (“referring to both figures, a keypad adaptor 1 is mounted on a mobile telephone 2. The mobile telephone 2 has a keypad 3 including keys 4, and a display screen 5. Adaptor 1 has a keypad plate 6 which is mounted on the telephone 2 by a U-shaped mounting bracket 7 shown by dashed lines in Fig. 2 in order that the other features of the adaptor 1 may be clearly seen. Adaptor 1 includes six buttons 8 mounted on plate 6 above selected ones of the keys 4 of the telephone 2, the keys 4 being chosen so as to allow a user to call telephone numbers stored in a memory of the telephone 2” (page 7, lines 16-28)).

Green fails to disclose a cover that includes keys for applications and changing the functionality of a keypad of a communication device.

However, in an analogous art, Weadon discloses a radiotelephone that includes a cover 40 that includes keys 42 for applications and changing the functionality of a keypad 22 of a

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communication device. See FIG. 4B and col. 1, line 58 – col. 2, line 5. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the communication device of Green by incorporating the features taught by Weadon et al. for the purpose of allowing a user to perform alternate functions, such as increasing and decreasing the speaker volume of the communication device.

The combination of Green and Weadon et al. fails to disclose that the second part is removed before inserting the replacement cover.

However, in an analogous art, Petrella et al. discloses a communication device on which an escutcheon, corresponding to the second part, is removed before inserting a substitute escutcheon, corresponding to the replacement cover. See col. 2, lines 7-17. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the communication device of Green and Weadon et al. by incorporating these features taught in Petrella et al. for the purpose of adapting the external appearance of the communication device in accordance with the preferences of the user.

As to claim 11, the Green reference discloses the method according to claim 11, wherein the keypad (6) is placed in the replacement cover (1) which is formed of a cover part (9) and a functional cover (6), and which replacement cover (1) is equipped with key elements (10) for detecting the stroke of keys (8) of said keypad (6), and information about the keystrokes is transferred from the replacement cover (1) to the communication device (2) (see page 7, line 20 to page 8, line 7, and Figures 1 and 2).

As to claim 12, the Green reference discloses the method according to claim 9, wherein the replacement cover (1) is provided with a second keypad (6) in such a way that when the

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replacement cover (1) is fixed onto the second part (3) of the housing (2), at least some of the keys (8) of the second keypad (6) are located by at least one key (4) of the first keypad (3) (see page 7, lines 16-28, and Figures 1 and 2).

1. Claims 2-4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green in view of Weadon et al. and Petrella et al., and further in view of Fuhrmann et al. (WO 97/32423).

As to claim 2, the Green-Weadon-Petrella discloses the communication device (2) according to claim 1, wherein and that at least part of the first keypad (3) is provided in said replacement cover (1) (see page 7, lines 16-28). However, it does not disclose the second part is arranged to be detached before fixing the replacement cover onto the first part. The Fuhrmann reference teaches the second part is arranged to be detached before fixing the replacement cover onto the first part ("the invention relates to an electronic device having a housing (1) which has a housing wall (5) ("first part") with openings (7) for control elements (8) and/or display elements (9, 10). Attachment means (11) for detachably connecting to the housing (1) an external wall element (14) ("second part") which at least partially covers the housing wall (5) being present on the housing (1), the external wall element (14) having openings (7') which are aligned with the openings (7) in the housing wall (5). As a result, by using different external wall elements (14) the external appearance of the electronic device can be easily modified" (Abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the communication device of Green-Weadon-Petrella wherein the second part is arranged to be detached before fixing the replacement cover onto the first part,



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as taught by Fuhrmann, in order to easily modify the external appearance of the communication device.

As to claim 3, Green-Weadon-Petrella discloses the communication device according to claim 1. However, it does not disclose the replacement cover further includes a display. The Fuhrmann reference teaches the replacement cover further includes a display ("openings which are present in the external wall element 14 for the display device 9 and the loudspeaker device/microphone device 10 can be covered, for example by means of a transparent element 15 or a grille 16" (page 6, lines 7-9). See also Figures 1 and 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the communication device of Green-Weadon-Petrella wherein the replacement cover further includes a display, as taught by Fuhrmann, in order to easily modify the external appearance of the communication device.

As to claim 4, Green-Weadon-Petrella discloses the communication device according to claim 2. Green-Weadon-Petrella further discloses the replacement cover (1) includes at least a cover part (9) and a functional cover (6), that the means (6) for providing the keys for playing games include key elements (8) for detecting a pressing of the keys of the keypad (6), and that the replacement cover (1) further includes means (10) for transferring information about the keystrokes to the communication device (2) (see page 7, line 20 to page 8, line 7).

As to claim 10, Green-Weadon-Petrella discloses the method according to claim 9. However, it does not disclose the second part is detached before fixing the replacement cover onto the first part. The Fuhrmann reference teaches the second part is detached and part of the first keypad is provided in the replacement cover before fixing the replacement cover onto the

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first part ("the invention relates to an electronic device having a housing (1) which has a housing wall (5) ("first part") with openings (7) for control elements (8) and/or display elements (9, 10). Attachment means (11) for detachably connecting to the housing (1) an external wall element (14) ("second part") which at least partially covers the housing wall (5) being present on the housing (1), the external wall element (14) having openings (7') which are aligned with the openings (7) in the housing wall (5). As a result, by using different external wall elements (14) the external appearance of the electronic device can be easily modified" (Abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Green-Weadon-Petrella wherein the second part is detached before fixing the replacement cover onto the first part, as taught by Fuhrmann, in order to easily modify the external appearance of the communication device.

### ***Response to Arguments***

4. Applicant's arguments filed 5/24/04 have been fully considered but they are not persuasive.

5. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Examiner relies on Weadon for teaching a cover that includes keys for applications and changing the functionality of a keypad of a communication device. Examiner relies on Petrella for teaching that the second part is removed before inserting the replacement cover. The disclosure of these features is discussed in

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the rejection. Applicant does not define a replacement cover as not being always present on the radiotelephone. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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